

T-2322-24

Court File No.

The Federal court

STATEMENT OF CLAIM

(Simplified)

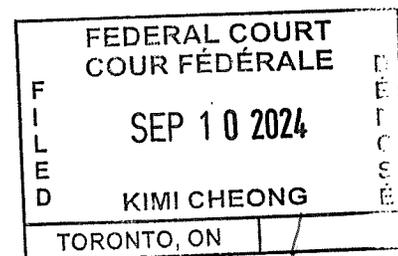
Between

Ahmad Mohammad (Plaintiff)

And

McGill University (First Defendant),

The Secretariat on Responsible Conduct of Research (SRCR) (Second Defendant)



TO THE DEFENDANT(S):

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a Statement of Defense in Form 171B prescribed by the Federal Courts Rules, serve it on the Plaintiff or their solicitor, and file it, along with proof of service, at a local office of this Court within thirty (30) days after this Statement of Claim is served on you, if served within Canada.

If you fail to defend this proceeding, judgment may be given against you without further notice to you. Copies of the Federal Courts Rules, information concerning local offices, and other necessary information may be obtained by telephoning 613-996-4248 or at any local office.

WITHIN 60 DAYS after the day on which this Statement of Claim is served on you (if served outside Canada) or 30 DAYS (if served within Canada), you must respond by serving and filing a Statement of Defense, and you may also file a Counterclaim.

- Plaintiff: Ahmad Mohammad a.k.a Ahmad Yousef, Neuroscientist and Head of the Laboratory for Consciousness
221 Bathurst Street, Toronto, ON M5T 2S2.
Email: AhmadShabanMohammad@gmail.com

To:

- First Defendant: McGill University, Department of Ophthalmology, McGill Vision Research Unit, 845 Sherbrooke Street West, Montreal, Quebec H3A 0G4. Phone: 514-398-3948. Fax: 514-398-4758. Email: edyta.rogowska@mcgill.ca (Secretary-General).
- Second Defendant: Secretariat on Responsible Conduct of Research (SRCR), a government body responsible for overseeing research integrity as per the Tri-Agency Framework, located in Ottawa, Canada. Email: secretariat@srcr-scr.ca. Phone: +1-613-996-0072.

Issued by:

MARY SANSONE
REGISTRY OFFICER

Sept 10/24

Address of Local Office: 180 Queen St E
Toronto, Ontario M5A (2nd floor).

1. Introduction

This Statement of Claim is filed by the Plaintiff, Ahmad Mohammad, a.k.a. Ahmad Yousef, against the Defendants, McGill University and the Secretariat on Responsible Conduct of Research (SRCR). The Plaintiff alleges misconduct in research conducted by Janine Mendola and colleagues at McGill University, particularly related to the misclassification of physical stimuli as mixed percepts in a published study. This misclassification is the core flaw in the study that invalidates its data and conclusions.

The research study, Mokri et al. (2023), Effects of Interocular Grouping Demands on Binocular Rivalry, falsely categorized stable, well-defined physical stimuli as mixed percepts, a scientifically false classification that renders the conclusions misleading and unsound. Despite the Plaintiff's repeated attempts to raise this issue, the inquiry conducted by McGill University and overseen by the SRCR failed to properly address this fundamental misclassification, demonstrating procedural violations and negligence in handling the case.

2. Allegations of Research Misconduct

2.1 Misclassification of Physical Stimuli

The Plaintiff's primary contention is that the stimuli presented in the research study were misclassified as mixed percepts, which is scientifically incorrect. The physical stimuli in question were clear and stable, yet they were falsely labeled as mixed percepts in the data collection process. This misclassification undermines the validity of the data and compromises the conclusions drawn from the experiment. The classification of physical stimuli as mixed percepts is an egregious scientific error that goes against established perceptual science and cannot be overlooked. This misclassification forms the foundation of the Plaintiff's allegations and directly invalidates the entire study.

Despite the Plaintiff raising this central issue multiple times, both McGill University and the SRCR failed to address the misclassification adequately. The failure to recognize and rectify this flaw represents a serious breach of research integrity, as it led to the publication of falsified data that misrepresents the actual experimental results.

2.2 Inadequate Acknowledgment of Relevant Work

The Plaintiff also alleges that the study failed to properly acknowledge foundational work in the field of binocular rivalry, including contributions by Kim and Blake (2007). Their research, which highlights the importance of chromatic and interocular grouping effects in binocular rivalry, directly challenges the conclusions drawn in the McGill study. The failure to cite this work, as well as other critical research, is a violation of the Tri-Agency Framework's Section 3.1.1(g), which requires proper acknowledgment of all relevant contributions. This omission reflects an attempt to ignore critical scientific evidence that would further expose the flaws in the experiment's design.

2.3 Invalid Authorship

The Plaintiff further contends that the assignment of authorship in the study was improper. Several individuals, including Jason da Silva Castanheira, Sidrah Laldin, and Mathieu Landry, were listed as co-authors despite not making significant contributions to the research. This violates Section 3.1.1(f) of the Tri-Agency Framework, which mandates that authorship should only be attributed to individuals who made meaningful contributions to the research. The ****misrepresentation of authorship**** adds to the unethical conduct surrounding this study, further undermining its credibility.

3. Procedural Violations by McGill University and the SRCR

3.1 Failure to Adhere to Inquiry Timelines

The investigation into the Plaintiff's complaint exceeded the two-month timeline stipulated in Section 4.4 of the Tri-Agency Framework. The inquiry, which began in March 2024, was not completed until September 9, 2024, well beyond the required two-month limit. This delay in addressing the misclassification of physical stimuli and other critical issues violates procedural fairness and demonstrates negligence on the part of McGill University and the SRCR in handling the complaint.

3.2 Failure to Address Core Allegations

Despite the Plaintiff explicitly identifying the misclassification of physical stimuli as the core issue in the experiment, this was entirely ignored in the final inquiry report. The failure to address this central scientific error reflects an attempt by both McGill University and the SRCR to avoid acknowledging the fatal flaw in the research design. By failing to investigate and correct this misclassification, the Defendants have allowed falsified data to be published, further damaging the scientific community and undermining public trust in research institutions.

3.3 Negligence in Oversight by SRCR

The SRCR, tasked with overseeing research integrity and ensuring adherence to the Tri-Agency Framework, failed to fulfill its duty. The SRCR's lack of intervention allowed McGill University to mishandle the investigation and avoid properly addressing the misclassification of physical stimuli, a violation that fundamentally invalidates the study. This systemic failure by the SRCR contributed directly to the Plaintiff's professional harm and prolonged the investigation beyond acceptable time limits.

4. Public Importance: Misuse of Public Funds

The research in question was funded by public grants, making this case of significant public interest. The misclassification of physical stimuli, improper attribution of authorship, and failure to acknowledge critical research all contribute to a misuse of public funds. The publication of falsified data not only compromises the scientific integrity of the research but also wastes taxpayer resources, which were intended to support valid, ethical scientific inquiry. The Defendants' actions have undermined public trust in Canadian research institutions.

5. Logical Fallacies in the Inquiry Process

5.1 Appeal to Authority Fallacy

The Research Integrity Officer (RIO) attempted to dismiss the Plaintiff's concerns by relying on the fact that the study had been peer-reviewed by the Journal of Vision. This represents an appeal to authority fallacy, as the peer-review process did not adequately address the

misclassification of physical stimuli, which is the core flaw in the research. The mere fact that a study has been peer-reviewed does not absolve it of responsibility for data falsification.

5.2 Straw Man Fallacy

The inquiry reframed the Plaintiff's complaint as a matter of scientific interpretation, rather than addressing the core issue of misclassification of physical stimuli. This represents a ****straw man fallacy**, as the Defendants misrepresented the Plaintiff's core argument in order to dismiss the complaint without engaging with the central issue. The failure to properly address the misclassification allowed the Defendants to avoid confronting the scientific errors that undermine the entire study.

5.3 Red Herring Fallacy

The inquiry further introduced irrelevant discussions about general scientific practices, such as the variability of perceptual experiences, in order to distract from the core issue of data falsification. This represents a red herring fallacy, as the discussions about unrelated topics diverted attention from the central misclassification that the Plaintiff had identified. By focusing on peripheral issues, the Defendants avoided addressing the scientific misconduct at the heart of the Plaintiff's complaint.

6. Relief Sought

The Plaintiff seeks the following relief:

1. A formal acknowledgment of research misconduct, specifically the misclassification of physical stimuli as mixed percepts and the falsification of data in the study Mokri et al. (2023).
2. An injunction compelling the SRCR to enforce full compliance with the Tri-Agency Framework, ensuring immediate retraction of articles with fundamental errors like the misclassification of physical stimuli, which invalidates the study's results. The Defendants must be held accountable for this breach of scientific integrity.
3. Damages for the professional harm and suffering caused by the Defendants' mishandling of the Plaintiff's complaint, in addition to the costs incurred during the investigation and litigation process totalling of one hundred thousand Canadian dollars.

7. Trial Location

The Plaintiff requests that this trial be held in Toronto, Ontario, considering the Plaintiff's residence and the proximity for convenience.

8. Procedural Requirements

The Plaintiff affirms that this Statement of Claim is prepared in accordance with Form 171 as prescribed by the Federal Courts Rules and requests the Court to allow the case to proceed accordingly. Copies of this claim will be served to the Defendants as per the Federal Court's requirements.

9. Conclusion

This case highlights systemic failures in research integrity, including the misclassification of physical stimuli, inadequate acknowledgment of prior research, improper authorship assignment, and procedural failures by McGill University and the SRCR. The Plaintiff respectfully requests that the Court uphold the principles of scientific and procedural integrity, granting the relief sought and holding the Defendants accountable for their violations.

10. Certification

I, Ahmad Yousef, certify that the facts stated in this claim are true and accurate to the best of my knowledge and belief.

Date: September 10, 2024

Location: Toronto, Ontario

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I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the 10

day of Sept A.D. 2024

Dated this 10 day of Sept 2024

MARY SANSONE
REGISTRY OFFICER